

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4819 OF 2018

Balaso Vitthal Sawant

...Petitioner

vs.

The State of Maharashtra and Ors.

...Respondents

Mr. Rahul Kate for the Petitioner.

Mrs. M. S. Srivastav, AGP for the Respondent Nos.1 and 2.

Mr. Umesh Mankapure for Respondent Nos.3 and 4.

Mr.Akshay Kulkarni i/b Mr. Ashutosh M. Kulkarni for Respondent No.5.

**CORAM : B. P. DHARMADHIKARI &
SMT. ANUJA PRABHUDESSAI, JJ.
DATE : 10/10/2019.**

PC.:

. The submission is in the wake of rules as modified in 2010, nomination of respondent No.5 by respondent No.3-Municipal Council is without jurisdiction.

2. Respondent Nos.1 to 5 rely upon 2010 Rules and resolution passed by Respondent No.3-Municipal Council to submit that provisions of 2010 Rules are not breached.

3. We have accordingly perused proceedings dated 13/3/2018. Proceedings show that the nomination were called for and the Collector had authorized SDO to scrutinize the same. The nomination which were found valid were then looked into by the elected members of municipal council for the purposes of nomination.

4. It is not in dispute that nomination of respondent No.5 was found valid and thereafter has been accepted by respondent No.3.

5. Respondents state that in view of section 21 of Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 election petition ought to have been filed within 10 days and that has not been done. The present petition which is filed after expiry of said period of 10 days is therefore not maintainable.

6. On merits they have attempted to show that nomination were infact received by representative of the Collector and only those nominations which were found valid have been thereafter looked into by Respondent No.3-Municipal Council.

7. On record we have Court order dated 12/3/2018 which considered objection to nomination paper of one Swapnil Jadhav. That order shows that as per order dated 23/1/2018 and in terms of Rules mentioned supra the Collector, Sangli had authorized respondent No.2-SDO to accept and process nomination. It is therefore clear that only those nominations which were accepted by the Office of Collector or by its representative have been processed further by respondent No.3.

8. We therefore find no merits in this petition. The petition is rejected.

(SMT. ANUJA PRABHUDESSAI, J.)

(B. P. DHARMADHIKARI, J.)